

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
October 15, 2014**

Meeting was called to order at 6:15 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Mr. Hannon, Mr. Harding Mr. Parys, Ms. Scott-Pipes, and Mr. Schmid.

Also Present: Patrick Gallivan, Agent and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include discussion of volunteers for trails and Teak Sherman Park Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Howe, 92 Clapp Road (deck) (cont.)

Has anyone been by to see if the trampoline is still there? Told them we'd give them till the end of the summer. There is an old Order of Conditions; plantings are required. Motion to continue the hearing to November 5, 2014 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Request for Determination: Coulouras & Barry, 20 Monticello Street (fence)*

Applicants requested a continuance to November 5, 2014 to gather more information. They are trying to get a surveyor or prove where the property line is. Mr. Harding: all they have to do is go to the Registry of Deeds. Mr. Parys: they don't want to. If by next hearing they don't have the information, we tell them to take it out. How long ago did we go there? Summer. Either they need a survey or plot plan. How long will it go on? Commission agreed. Motion to continue to November 5, 2014 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Grant, 21 Kings Way (2 story addition)*

Jordan Grant was present at the hearing. Have plans for a two story addition in the location of an existing three season porch. Replacing it with a family room on the first floor and master bedroom and bath above. Plan shows proposed foundation overlaid in red. Dotted line inside the addition is the current porch; dotted line outside the porch shows the width and depth of the addition. Deck encroaches in the 50' buffer; the new addition will just be outside. What type of foundation? Footers with poured concrete; 4' crawl space under the first floor, 2" or 3" pour for storage space with access from back of house. Ms. Scott-Pipes: concerned about debris. Mr. Gallivan: pretty clear where the wetland line is, but in back there is a shed, trampoline, swing set and a large pile of yard clippings near the wetlands. Recommend the clippings come out. Would be glad to come back to relocate the shed. The shed is on existing lawn, but if you had come before us, we would have asked you to keep it out of the 50' buffer. Mr. Harding: Remove cuttings. Can the shed be moved? No footings, but don't know how heavy a 12' x 14' shed is; it was put in about 2008. There is about a truckload of brush to remove. Brush in the wetlands? Pretty close. Mr. Snow: Always thought brush was good for habitat. Mr. Parys: property runs down toward the wetland; need a silt sock. Mr. Gallivan: did you check with Board of Health about the extra bedroom. No net increase. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." With the condition brush will be removed and silt sock will be installed Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Discussion & Vote: Water Resource Conservation Plan.

Commission was asked to review the plan and if we agreed with it, send a letter of support. John Clarkson, Chairman of the Scituate Water Resources Committee was present. The committee is an advisory board to the Selectmen. One primary focus is on the drinking water supply. Last year Water Resource Protection District was redesignated for water quality. Over the next 6 months the Water Management Act Permit will be renewed with DEP. The use of water to communities is allocated across the commonwealth. There is a determination by DEP of how much water is available. Think of a check book, can't take out more than you put in. Hydrological analysis is done and Scituate is operating under a management act of 1.85 million gallons a day; quite close to that now. As part of the permit renewal, DEP asked that a water conservation plan be developed. Simple process: the Water Department fills out a questionnaire and then has a conversation with DEP. The Water Resource Committee thought it would be good to engage the community. Started about a year ago with a meeting at the old Pier 44 and since then we've had the assistance of a student, Caroline Keefe, who has looked at other plans of similar communities. The questionnaire is more of a document the community can read and it provides general guidance for decision makers in years to come. The hope is to go to the Planning Board, Economic Development Committee, and any other boards recommended. Get some more feedback, reconvene the public meeting with the current draft and by the time we go back to the Selectmen the community supports it and it is a good plan. We want the Selectmen to know we have the support of the community. This is a general introduction of what the committee is up to and welcome any questions. Mr. Schmid: weren't you in front of the Selectmen about water sprinklers? Yes. Essentially passed the resolution of no new sprinklers. There was no opposition in the room. There is concern about future water supplies to meet public health, public safety and economical development. Let's divide water into water and finished water. Finished water has gone through treatment and is what the public safety officials rely on. Finished is the 1.85 million gallons a day. DEP has a general focus of reducing water use statewide. Need to preserve water for residents. There are enough houses in the pipeline 300 units and 600-700 new residents at 65 gallons per day per person. Let's make sure water is held in reserve, but not for ornamental use. Selectmen voted no new hookups of underground irrigation systems to the finished water supply. Existing systems are fine. Research has shown 5% of Scituate water customers use a significant amount, 25% or 30% that is attributable to ornamental use. The Water Resource Committee will discuss alternatives with developers and the community. Wells were brought up. One of the concerns is if they don't allow sprinklers, they will dig wells. Who controls whether you can dig a well? If people do dig wells, isn't it still the same aquifer, with the understanding that it is not finished water. If a new project came in and there isn't the capacity and they dig wells, is that not coming from the same water source? To an extent you are right, but through part of the new source

approval system the zones of contribution are well mapped and the likelihood of individual wells going in those areas is slim. Most development is outside the primary zone. Is there a governing body they go to for permission to dig a well? Not in Scituate. They can dig a well provided they are not using more than 100,000 gallons a day, which is 40 gallons per minute, per hour, 24 hours a day. If they are, they would have to get a water management act permit from the state. Private irrigation wells don't get anywhere near that amount. Mr. Parys: in RI they have their own wells for water. Why don't we allow that here? As far as water supply for your home; that's a question for the Board of Health. There are 351 communities and there are only 288 public water supplies. The other communities are primarily private wells, mostly in the 413 area. There is a difference between wells for irrigation and those for drinking water. Mr. Harding: Humarock takes their water from Marshfield; is that included in the 1.85? No, 170,000 gallons per day is purchased from Marshfield. Mr. Gallivan: how would you like the Commission to make comments? Would like them focused through one individual. Once comments are received, the report is updated, and people are comfortable, would like a letter of support to bring to the Selectmen. Ms. Dobie: Understand that Humarock abides by whichever town has the most stringent rules, but others don't think that's the case. Rules should be publicized. Mr. Clarkson doesn't know, but the irrigation rule is town-wide and Humarock would have to follow. Mr. Snow: Maybe you could ask the Water Dept. There have been a few different studies done. Looked at the one about elevating the reservoir. Our Commission is concerned with water not only for drinking, but working with NSRW for more flow to the Herring Brook, which benefits a whole array of items; I think we would support those efforts. Are they looking into additional wells? Conservation is our first and best source of water. If we care most about the water we currently have, we can make it go much farther. As far as new source development, eventually we do have to take a look and sooner rather than later. Three properties were looked at, but all three are not viable. Ran across GIS done last year and shared with Jim Debarros, will take a look at some of those properties. In the late 90s, DEP had a simple analysis regarding current land use and soils to tell if there were possibilities of water. As far as raising the reservoir, that will improve the stream flows of the brook for habitat restoration, but will not provide significant increase in drinkable water. Now looking for two grants through DEP for 1.25 million to make alterations to the dam structure and raise the height of the reservoir. There will be some new sources from that, but it is mostly intended to provide habitat. Do they have much loss in broken water lines? That is a big contributor. Replacing 24 miles of line at a huge expense. The unaccounted water has been in the 15% to 20% range, it has been very high and replacing these old water lines will improve brown water issues, as well as tighten up the system. Goal is 10% or less. Thought we were at that point last year, but it was up to 14%. Attacking two problems with one good act. Mr. Schmid: how are we this year, the reservoir looks the worse I've ever seen. It is pretty bad. Can't give rain fall figures, but haven't mowed my lawn since the end of July. Reservoir is 74"-76" below where it should be; it is a Martian landscape. Drought is prevalent in southeastern MA. There is a state Drought Advisory Committee, but it hasn't reached statewide conditions. Expect to wrap this report up by the middle to end of November. Mr. Schmid will be the liaison. Will set up a communication. If anybody has thoughts or concerns feel free to get in touch.

Wetlands Hearing: Fagan, 24 Oliver Street (septic repair)*

Jeff Hassett from Morse Engineering was present at the hearing. Abutters' notification was submitted. This house is one back from the beach on a large 14,000 sq. ft. lot with a failed cesspool. Cottage type house with 6 bedrooms. Resources: barrier beach, FEMA flood zone AO, 2' depth of water. Proposing a simple system run by gravity to a 1,500 gallon tank and distribution box. Tucked it into the corner where the least amount of traffic can drive over it. Board of Health reviewed, needed to adjust for the high tide elevation from 9' to 11'. Mr. Schmid: How far is the leaching field away from the water? A good distance. Distribution box is a fairly new design. This can only be a gravity or pressure dosed system. Mr. Gallivan: existing cesspool? Yes. Any other site work proposed? No. There is a lot of vegetation on the beach side of house. Vegetation is scarce where the work will take place. May be one *rosa rosgosa* removed, but improvement from what is there. Approval is by the Board of Health agent; hoping she will have time tomorrow. Motion to close the hearing hinged on Board of Health approval Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Political signs in the marsh: last time Mr. Duggan removed a large one, but it was town property. These are on private property; told by an attorney they can't be pulled out. Mr. Snow: Someone did an odd thing with ribbons in the marsh one time. Need to make a stand on this. Cows were on the other side. Don't know if there is a significant impact. Don't think political signs are in our purview. Personally don't think we need to go down that road. Mr. Harding: should get it out after the election. There may be some type of a footing. Looked like a 1" diameter post. Nothing should be left behind when they remove the sign.

Meeting was cancelled on changing the zoning size for a buildable lot. Everybody let their feelings be heard. Nothing known as far as an article. Mr. Schmid: can Planning Board do that without us? Mr. Parys: our setbacks still apply, but not a great idea.

Chamberlain, Glades Road (marsh disturbance)

Mr. Gallivan went out to the site with Martha Rheinhardt. Martha is present and can go over her report. She is a restoration ecologist and wetlands scientist. Went to the site in August. There was disturbance of coastal beach and salt marsh. Excavator had gone down to the beach to a tidal creek on the southwest area of Glades Road. Tracks on beach to area of saltmarsh; natural channel had been excavated. Measured approximately 117' linear feet, 6' to 8' in width. That material was excavated from the creeks and deposited on both sides of existing marsh. Some fill on the beach area with 2,125 sq. ft. of ruts. Fill on the coastal beach covers an area of approximately 25' by 49', or 1,225 sq. ft. Depth on the beach ranged from several inches to approximately 1'. Also priority habitat for Common and Least Terns, as well as Plovers. There is question whether those birds were disturbed. In both areas where elevation changed new vegetation has started to grow that wouldn't usually grow there (sea blight). Both salt marsh and coastal beach have been impacted. Tried to calculate the areas of impact. Amount of fill in the saltmarsh was approximately 2' on average. Recommendation is to restore the site back to preimpact elevation and to try and restore the natural hydrology and also work with Natural Heritage for the areas on the beach to restore nesting areas. Ms. Scott-Pipes: report speaks for itself, they have to put it back the way it was and not do it again. This area is shown on the Natural Heritage map. There is also an Osprey nest near the area. The Commission agreed that the area had to be restored. Mr. Gallivan: this report came in from Plymouth County Mosquito Control, who has a license to do work. Looked like an attempt to get more flushing in the wrong season, wrong equipment and wrong area. Received a call from Army Corp of Engineers that want to be told what's going on, and DEP said to include Natural Heritage, once an Enforcement Order was in place, they will back us. Told DEP there has been cooperation and that we were waiting to hear Martha's recommendation.

Charlie Ames, lifelong resident of Glades, now a full-time resident. Families have been there 125 years. Think it is really important that you understand what the mosquito control people have worked out to have a proper balance for the health of the people and environmental quality. We care about the environment, but we also have to survive the onslaught of mosquitos. There was an understanding worked out with the health department, the federal and state agencies in which we are able to dredge the marsh every year as they have done for at least the last 100 years, before the nesting of the least turns, which were there before all of this surfaced. The violation that occurred is we did a little more digging outside the April 30 deadline. It was done in May and we can prove that. The problem was the depth of the outlet had not been dug

deep enough to provide adequate drainage of the marsh; mosquitoes continued to breed. Not making excuses for not getting permission, but people dredge every year. Can't be held responsible for the mosquito control project. They do the same thing we did. If you want us to remove the first 1" we will, but if you want us to remove 7" that is unfair; mosquito control has done that over the years. Without the flow of salt water, we begin to get phragmites and don't get the bird life. Think you agree the best thing to do is to plant more beach grass on the ocean side of this outlet to build up a natural dune, so it doesn't blow in every year. The question is what is the right thing to do for the marsh as well as the citizens before you rubber stamp this report. As well as being sensitive as to how this beach appears, and how open it is to bird life, we are familiar with ospreys and least terns. We find their eggs and go out of our way to promote birds; totally understand the life of this marsh. Don't make us responsible for the negative impacts from digging. Least terns are long gone; they were there for a year, but are long gone. Can remove the 1" of soil, but should think about longer term solutions to avoid digging out the ditch. Understand that we are as concerned about the environment. A woman with Mr. Chamberlain stated that they dug out of season by one day on May 25. Mosquito control people were working on the ditch the entire month of March. Tracks are mainly the mosquito control people. We were only out there for 4 hours. Mr. Snow: we have a bunch of items for continuances that people ignore our requests. The fact that they are here is a good thing, we are just trying to deal with a violation in the proper manner. Understand that mosquito control has permits and have the right equipment; they may not always do the perfect job, but they have guidelines and regulations; they are supposed to follow best practices. Someone who goes in and does work that isn't permitted with the wrong machinery can do a lot of damage in a short time. Work needs to be done with permission and some thought in mind. The whole marsh between access road and barrier beach can be a big breeding ground for mosquitoes. Have to find a way to do that work in a permissible way. Can't speak to the 1" removal, but I think it needs to be Ms. Reinhardt's call. Maybe Ms. Rheinhardt could work with us to provide a plan for a long-term solution. Mr. Gallivan: was this ditch part of mosquito control's plan? Yes, we tried to get it deeper. Main creek was all mosquito control. This spring when we were allowed to dig, we had mosquito control out there, but there were lots of storms. March 31 trying to open up to get the seawater to come in and start the flushing, but unable to finish the job because of the weather. Mr. Snow: There is a whole process to deal with emergencies. With all due respect Mr. Snow, we used to actually dig a canal right through the beach for a quick way to drain off the marsh. With all the powers that be between Audubon, Natural Heritage, ConCom, & Board of Health we have to find a solution. Mosquitos are bad every time the stream clogs up. Would love to reconfigure the April 1 deadline; still get late spring storms. It is serious, there are so few terns, and plovers, can't afford to have nests run over. Whether the state follows every guideline we don't know for certain. Mr. Gallivan: not able to change the date and because of the nesting area they don't want a dune created. There has to be some give and take. It effects more than just the people in this room. Mr. Chamberlain: Jennifer Sullivan said people's health trumps birds. When you build that up at the wrong level, may get the wrong vegetation coming in and clogging up the marsh, and letting the phragmites grow. Don't think it helps the bird life. Mr. Snow: probably doesn't trigger Army Corp. All the permits run through the mosquito control. Any info for old permits? Should get something back by November 19th.

Volunteers for Trails: Ms. Scott-Pipes: talked to Howard and he talked to Ernie Foster regarding Wheelwright property and creating a loop back to the Maxwell trail. Next week flagging a trail, then we should take a look to see what they are thinking of doing. Kim told Howard about doing a webpage with all the locations in town. Mr. Snow: had a conversation with Howard & Ernie. They will flag and mark and we can look at before any cutting. Have been e-mailing a group since the summer to come to a meeting, separate from Howard & Ernie. Don't want to discourage anybody, but they should come to a meeting. Met with a scout the other day. Ms. Scott-Pipes: we do have a group that is on board. Was there a survey map done of Wheelwright? Everything that is acquired has to be surveyed. There is some good mapping. Who surveyed it? Don't know. Call Kim to come to a meeting. Get Howard to ask Cynde about a surveyed plan.

Wetlands Hearing: Mazzola, 30 Inner Harbor Road (septic repair) (cont.)

Board of Health is having the hearing tonight. There may be an answer on the septic. Terry McGovern is over at the GAR Hall. Hold till later. Jeff Hassett from Morse Engineering requested a continuance. Motion to continue to November 19, 2014 at 6:30 Ms. Scott-Pipes. Second Mr. Harding. Motion to continue to November 5, 2014 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Mazzola, 30 Inner Harbor Road (removable walkway to beach)*

Jeff Hassett from Morse Engineering and Geraldine Mazzola were present. Abutters' notification was submitted. Requesting to install a seasonal staircase and removable walkway. Material is all sand and no vegetation to be removed. The walkway will be on property that is owned by the Town of Scituate. Ms. Scott-Pipes: Don't see the necessity of a stairway from the deck down. Could it be done without the steps? Use the other set of stairs and walk under the deck? Yes. Wood sections of decking, 4' long. Why couldn't it be slats with the rope; roll up walkway. Mr. Parys: better for the dune. Mr. Schmid: this isn't private property, everybody could use it? Yes. Some people have gates at the end. Mr. Gallivan: How would the gate work? First house has a roll back gate; no formal gates. People there already have the same thing. The only people that have the roll up type are the Hunts. No one else has a permit. Talked about planting beach grass between house and the walkway. There are metal posts that have been broken off from the snow fence, may be covered by the next storm, but she would like to take them out, they are a safety hazard. Take them out. Ms. Gibbs lawyer told her she couldn't go over town-owned land without a permit. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote. Plant some sea grass and remove stakes.

Certificate of Compliance: 10 Shoal Water Road. Brad Holmes and Scott Caulfield were present. Mr. Holmes: this was a raze and rebuild of a single-family home in 2000 or so. Septic system was abandoned and they connected to town sewer. There was a requirement for mitigation shrubs, which were planted in 2012 and are in good condition. Two minor deviations: the house was constructed in the improved footprint, but a 4' picket fence was put in along the back for safety purposes and a sprinkler system was installed. A good deal of grading was permitted, but not done and less fill. The house is raised quite a bit and backs up to Musquashicut Pond; wetland is basically phragmites. The fence doesn't prohibit habitat; it is on existing lawn and irrigation system was to maintain the lawn, which isn't a perfect turf lawn. Mr. Caulfield didn't know about the sprinkler. Ms. Scott-Pipes: You are supposed to read orders. See no problem with the fence. Mr. Harding: having not done the grading, could leave it as a switch for the fence. Mr. Parys: no irrigation. If the buyers want a sprinkler, dig a well for irrigation. Sprinkler can't be used unless there is a well. Commission agreed to issue the Certificate.

Order of Conditions: Libby, 11 Hamilton Ave. (additions/landscaping/relocate driveway)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Revised Plan: 39 Bayberry Road – Right up against the marsh. Applicant would like to do screw-in type of footings for the garage on the back corner. Move existing garage onto the footings and remodel. Request for a revised plan. Vote to accept the revised plan Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Minutes:

Motion to accept the minutes of September 17, 2014 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Lot 2 Dreamwold (aka Colby's Run): There is an order for a Restrictive Covenant in the orders. It is something that outlasts the Orders and runs with the deed to the property. Liam Vickers has no problem with it. Mr. Gallivan might just run it by Toomey. Commission agreed, don't bother Toomey, just do it.

ENFORCEMENT:

Hoss property: They are having it delineated and surveyed; it may be a buildable lot. Cutting may be 50' away from the wetland. Or if not, we may ask them to do some planting.

Ayer, Gardiner Road: letter from Toomey today.

Bongarzone, 277 Chief Justice Cushing Hwy. (removal of vegetation) bringing in equipment to remove the grass and give back the buffer.

Collier Road (beach fence): fence is out.

Duffy, 271 Central Ave.: have to agree with Lisa. Debris has to go. Something has to happen quickly. Zoning violations out there also. Sending letter. Ms. Scott-Pipes: started as a violation of cutting trees down. She has not done what she is supposed to do. Planting of trees, and removal of storage containers. She was allowed to keep the container through the summer. Give 30 days; no, give 2 weeks.

Peggotty Beach Road/Haufler: regarding fill and no restoration plan. Don't know if the debris was ever removed. Send Enforcement Order, it has been going on for 3 years.

Teak Sherman Park: Vinny Bucca spoke to people from Sustainable Scituate and they would like to enlarge the community garden. They would love to have more farm land. Ms. Scott-Pipes: Don't believe we can allow that because there is a stream and wetlands. Have to say no to enlarging. The garden area was an open field; keep looking for other areas for more gardens. Mr. Snow will take a look at. Mr. Schmid: sounds like a cool idea. Stream runs down whole side.

CORRESPONDENCE

October 2, 2014 – October 15, 2014

1. DEP File # 68-2522 – Libby, 11 Hamilton Ave. (in file)
2. Request for continuance for 30 Inner Harbor Road (in file) (received in writing a day late)
3. Zoning Board of Appeals – Request for Special Permits/Findings, 44 Crescent Ave. – Thursday, 10/16, 7:00 p.m.
4. Zoning Board of Appeals Agenda for 10/16/14
5. Planning Board Agenda for 10.9/14
6. Recording of OofC - 68-2478 - Sheehan, 15 Seagate Circle (in file)
7. Recording of OofC – 68-2485 – Egan, 131 Glades Road (in file)
8. Stormwater Magazine
9. Recording of OofC – 68-2520 – Green, 160 Indian Trail (in file)
10. The Beacon
11. DPW re: 30 Inner Harbor Road – Revised Draft Plan Submittal – designer must eliminate all feasible alternatives before burying a septic tank in the velocity zone. (in file) (e-mailed to members)
12. Information submitted by Frank Snow re: Forest Stewardship Plan (in file)
13. Zoning Board re: 6 Mitchel Lane to raze and rebuild – Granted
14. RiverWatch Newsletter
15. Request for CofC for 68-1831 – Callahan, 7 Border Street – Request, Engineer's verification, check, as-built (in file)
16. DEP File #68-2524 – Mazzola, 30 Inner Harbor Road (in file)
17. Shan Morrissey's Vernal Pool Maps (2)
18. Picture from 159 Hollett Street – shows vegetation grown back (e-mailed to members) (in file)
19. Thank You Note from the Vocational Life Skills Program (e-mailed to members)
20. Report from Martha Craig Rheinhardt re: Glades violation (in file)
21. As-Built for 10 Shoal Water Road (in file)
22. Note from Kim Ryan re: trails – forwarded to the members.
23. LEC letter re: proposed beach access 30 Inner Harbor Road (copied for members) (in file)

Meeting adjourned 8:35 p.m.

Respectfully submitted,

Carol Logue, Secretary